

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**LAURA FAUGHT and STEVEN
FAUGHT, on behalf of themselves and
all others similarly situated,**

Plaintiffs,

Case No.: 2:07-CV-1928-RDP

v.

**AMERICAN HOME SHIELD
CORPORATION,**

Defendant.

RENEWED MOTION TO AMEND CLASS CERTIFICATION

SCHEDULING ORDER

Plaintiffs, Steven and Laura Faught, respectfully move this Honorable Court to enter an order amending its Class Certification Scheduling Order to accelerate the deadlines for responding to the Plaintiffs' Motion for Class Certification. As support therefore, the Plaintiffs state as follows:

1. This Court entered a Class Certification Scheduling Order on May 8, 2008 setting the time for discovery, filing, responding, and other related dates regarding class certification.

2. Since that time, the parties have conducted sufficient discovery related to class certification such that the Plaintiffs' Motion for Class Certification is now pending before this Court.

3. The parties recently participated in this Court's ordered mediation which proved unproductive. It is clear that said mediation was used as a delay tactic in the present case to advantage a similar class action in the state court of California which has reached some agreement between the parties in that case, *Edleson v. AHS*; CV-37-2007-00071725-CU-BT-CTL; Superior Court of California, San Diego County, though no filing of such agreement has been made.

4. The defendants have had the plaintiffs' filings including all arguments for class certification and supporting evidence since September 11, 2008.

5. Any delay in keeping the Court's originally scheduled dates is unnecessary, and the defendants should be required to respond to the Plaintiffs' Motion for Class Certification in the time allotted by the Court's Scheduling Order, twenty one (21) days.

Therefore, the Plaintiffs respectfully request that this Honorable Court, upon considering the foregoing, Order the Defendants to respond to the Plaintiffs' Motion for Class Certification within twenty one (21) days of the filing of same.

/s/ D. Frank Davis

D. Frank Davis

Lead Plaintiff Counsel

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CERTIFICATE OF SERVICE

I hereby certify that the following counsel of record was served by filing with the Court's electronic filing system on this the 31st day of October, 2008:

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